THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3917 of 2006
14.12.2006

Between:

Naralasetty Hari Prasad, S/o.Koteshwar Rao

… Petitioner

AND

The Mandal Revenue Officer, Bapatla

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3917 of 2006

ORDER:

The petitioner allegedly purchased land admeasuring Acs.0.47 in survey No.390/1 situated at West Bapatla Village of Bapatla Mandal in Guntur District under a registered document No.3822, dated 17.10.2005. After purchasing the property, having come to know that the second respondent herein obtained Pattadar Pass Book (PPB) allegedly in respect of the same land, the petitioner approached the Mandal Revenue Officer (MRO), Bapatla Mandala – the first respondent herein; on 21.10.2005 requesting to conduct enquiry into the genuineness of the PPB No.634 obtained by the second respondent, in vain. Therefore, the present writ petition is filed.

Though the interlocutory applications are listed, the matter was heard finally and is being disposed of by this order.

Though notice is served on the second respondent, none appears. The third respondent claims to have purchased the property on 18.10.2005 from the second respondent and, therefore, he opposes any enquiry. It is also the case of the third respondent that the alleged purchase of the land by the petitioner is dated 17.10.2005 and that a suit filed by the third respondent being O.S.No.177 of 2006 for perpetual injunction is pending on the file of the Court of the Junior Civil Judge, Bapatla. Therefore, it is contended that an enquiry under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and A.P. Rights in Land and Pattadar Pass Books Rules, 1989 is not required.

The petitioner herein purchased the property from Yannam Raghavaiah under registered sale deed dated 17.10.2005 whereas the third respondent herein purchased allegedly the same land under registered sale deed dated 18.10.2005. Therefore, it is certainly a matter of enquiry whether the PPB No.634 issued to the second respondent is genuine or not. As the enquiry is still pending, it would be in the interest of the parties to the writ petition, if the MRO takes up the enquiry. Needles to mention that before conducting enquiry, the MRO is required to give notice to the petitioner as well as respondents 2 and 3, verify all the record and pass appropriate orders. The MRO may also take into consideration the pendency of the suit filed by the third respondent. Such enquiry may be completed with a period of two months from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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December 14, 2006. (**V.V.S.RAO,J**)

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